

Harold P. Mintz (Pro Se)

August 23, 2010

VIA FEDERAL EXPRESS

Honorable Patty Shwartz, U.S.M.J.
United States District Court
U.S. Post Office & Courthouse Building
Federal Square, Newark, N.J. 07101

Re: Mintz v. Semprae Laboratories, et al. Civil Action No. 10-3937 (KSH)

Dear Judge Shwartz:

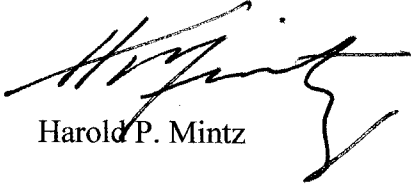
I am the pro se litigant in the action against Semprae Laboratories, et al. I filed this action in New Jersey State Court in Hackensack, New Jersey. After Defendants determined to remove the case to US District Court based on the RICO and Hobbs Act violations I claimed, I thought about their action and concluded that this case is better suited for State Court. Accordingly, I filed on August 16, 2010 a Notice of Dismissal of the Fifth Claim for Relief (only) for RICO and Hobbs Violations with the State Court (which I over-nighted with a cover letter to the Clerk of the US District Court). As of this writing, my Notice of Dismissal has been recorded by the US District Court but not yet ruled on.

This afternoon, I was notified by email by Attorney Krauss of Cozen O'Connor and Attorney Carr of Pepper Hamilton that they had moved to dismiss my causes of action for failure to state a claim. When bringing my action and alleging malicious and fraudulent behavior among other claims, I realized that I must plead with particularity. I tried very hard to not just plead with particularity, but to plead with very clear, well-documented, chronologic detail. Moreover, the res judicata claim is very serious and telling. I went into Delaware Bankruptcy Court (and it was difficult, enervating, and importantly very adversarial) before Chief Judge Carey who stated after my being on the witness stand and examined: "I am convinced the record does reflect there was an oral agreement between Mr. Mintz and the Debtor and...he...had authority to act on behalf of the Debtor at the time, and that such payment would be made at or after closing based upon...sales price." Honorable Kevin J. Carey, United States Bankruptcy Judge, ZTBK, Inc. fka Zestra Laboratories, Bankruptcy #08-11313.

Accordingly, Attorneys Carr and Krauss's collective failure to state a claim motion in lieu of an answer based on pooh-poohing an "alleged oral contract" is rather cavalier and embarrassing. Moreover, there is tremendous documented evidence supporting my claims.

If you would like to discuss this matter further and/or if you would like to discuss my motion to dismiss the RICO and Hobbs Act violations claim, I would be happy to arrange a conference call at the Court's earliest convenience. If you have any questions in the interim, please do not hesitate to contact me at 201-944-7500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Mintz', with a stylized flourish at the end.

Harold P. Mintz

cc: Jeffrey A. Carr, Esquire (via e-mail, fax, and first class mail)
Aaron Krauss, Esquire (via e-mail, fax, and first class mail)